

AF\$  
2/1/05

10368 24701

Serial No.: 09/945,006

Confirmation Number 1607



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. application of: J. Pat Evans et al

Serial No.: 09/945,006

Filed: August 31, 2001

Art Unit: 3728

Examiner: Anthony D. Stashick

For: ORTHOTIC FOOTWEAR AND INSOLE THEREOF

Commissioner for Patents  
Mail Stop AF  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**CERTIFICATE OF MAILING**  
(37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail and in an envelope addressed to: Assistant Commissioner for Patents, PO Box 1450, Alexandria VA 22313-1450

Date: December 9, 2005

William R Gustavson

(Typed name of person mailing paper)

(Signature of person mailing paper)

**NOTICE OF APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES (37 C.F.R. SECTION 1.191)**

Applicants hereby appeal to the Board of Appeals and Interferences from a decision dated August 9, 2005 finally rejecting claims 1-17, 42, 43 and 45.

Enclosed is payment of the Notice of Appeal fee of \$500.00 for a large entity by credit card on Form PTO-2038. An Petition for a one month extension is also filed herewith. If any additional fees are necessary for the proper filing of this Notice of Appeal, including any extension fees required under 37 C.F.R. Section 1.136, please withdraw them from Deposit Account 50-1274(10368 24701).

12/13/2005 DEMMANU1 00000064 09945006

01 FC:1401

500.00 DP

Respectfully submitted,

By:



---

William R. Gustavson  
Registration No. 29,160

WRG/bg  
December 7, 2005  
Thompson & Gustavson, L.L.P.  
9330 LBJ Frwy.  
Suite 1185  
Dallas, Texas 75243  
(972) 479-0903